REMARKS/ARGUMENTS

In the present application, claims 1-30 are pending. Claims 1, 15, 28 and 29 are independent claims from which claims 2-14, 16-27 and 30 respectively depend. Claim 20 has been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1, 3-5, 8-10, 14-15, 27 and 29-30 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Jellum et al. Claim 28 has been rejected under 35 U.S.C. § 102(a) as being anticipated by Kikinis et al. Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jellum et al. in view of Levy et al. Claims 6-7 and 24-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jellum et al. in view of Bates et al. Claims 11-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jellum et al. in view of Chanos et al. Claims 16-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jellum et al. in view of Yu. Claim 20 has been amended. No new matter has been added.

Claim Rejections – 35 U.S.C. § 112, second paragraph

Claim 20 has been rejected for insufficient antecedent basis. Applicants have amended claim 20 solely to correct an inadvertent typographical error and respectfully submit that the amended claim does not lack antecedent basis. Applicants respectfully request the withdrawal of this rejection.

Claim Rejections – 35 U.S.C. 102

Claims 1, 3-5, 8-10, 14-15, 27 and 29-30 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Jellum et al. (U.S. Patent Application No. US 2002/0143813 A1). Applicants respectfully submit that Jellum does not anticipate these claims because Jellum does not disclose or suggest all the non-obvious features of independent claims 1, 15 and 29 from which claims 3-5, 8-10, 14, 27 and 30 depend. Claim 1 recites:

> A method of branding a computer program comprising the acts of:
> receiving an indication that a first copy of a computer program has been downloaded to a first computing device and *that said first copy is to be branded with information associated with a first entity*;
> transmitting first data indicative of said first entity to said first computing device;
> receiving said first data from said first computing device; and
> *providing first branding instructions to said first computing device.*

Jellum discloses a method and arrangement in a client/server constellation for determining whether or not information at a web site of interest has changed, and notifying a user when such a change has been detected. Jellum describes a system in which a user downloads client-side software from the Internet and sets "WatchPoints" on information of interest, such as a specific part or specific single information element of a webpage. The client software transfers the WatchPoint data to the CyberWatcher server which acquires the specified information item of interest and periodically checks to see if there are any changes to the information element. If changes are detected, the client is notified. Jellum does not disclose or suggest at least the italicized features of Applicants' claim 1. In fact, the sole reference to branding in Jellum is the following: "Also, in FIG. 1, is shown that the "MyPortal" and downloaded client from the content partners (500) can be branded/cobranded and limited to content partners domain and agreements with other partners." (column 3, lines 22-25). Hence no *"information associated with a first entity" "that said first copy is to be branded with"* or *"providing first branding instructions to said first computing device"* is disclosed or suggested.

Similarly, Applicants' claim 15 recites the features *"providing branding data"* and *"providing branding instructions"*. Applicants' claim 29 recites the features *"a memory which stores branding data instructions"* and *"logic which communicates one of a plurality of sets of branding instructions to a second computing device"*. Hence, for the reasons cited above, Applicants respectfully request the withdrawal of the § 102 rejections of claims 1, 15 and 29 and claims 3-5, 8-10, 14, 27 and 30 which depend therefrom.

Claim 28 has been rejected under 35 U.S.C. § 102(a) as being anticipated by Kikinis et al. Claim 28 recites:

> A method for distributing a variation of software through one of a plurality of entities, comprising:
> providing a standardized version of software; and
> providing a customized version of said software *as a function of one of a plurality of entities.*

(emphasis added). Kikinis et al. describes a miniature personal digital assistant (PDA) having features designed to address problems associated with early PDAs including size (bulk), problems with data transfer and synchronization between host and PDAs and other problems. Kikinis also describes a vending machine that dispenses software to a PDA in one

of several modes. The version of software dispensed to the PDA may be based on a unique feature of the PDA, such as serial number or other code. Hence, Kikini's (single) vending machine dispenses a plurality of versions of software (depending on the serial number of the PDA), while in contrast, Applicants' claim recites "providing *a* customized version of said software as a function of one of a *plurality of entities* ". As Kikini does not disclose or suggest at least the italicized features of Applicants' claim 28, Applicants respectfully request the withdrawal of the 102 rejection of claim 28.

Claim Rejections – 35 U.S.C. 103

Claim 2 has been rejected as being unpatentable over Jellum et al. in view of Levy et al. (US2002/0033844A1). Applicants submit that claim 2 is allowable as depending from allowable claim 1 for the reasons described above. Levy does not cure the deficiencies of Jellum. As neither Jellum nor Levy alone or in combination disclose or suggest all the features of Applicants' claim 1, from which claim 2 depends, Applicants submit that claim 2 is allowable and request the withdrawal of the 103 rejection of claim 2.

Claims 6-7 and 24-26 have been rejected as being unpatentable over Jellum et al. in view of Bates et al (U.S. Patent No. 6,037,935). Applicants submit that claims 6-7 are allowable as depending from allowable claim 1 and claims 24-26 are allowable as depending from allowable claim 15 for the reasons described above. Bates does not cure the deficiencies of Jellum. As neither Jellum nor Bates disclose or suggest all of the above discussed features of Applicants' claim 1 and 15, from which claims 6-7 and 24-26 depend, Applicants submit that claims 6-7 and 24-26 are allowable and request the withdrawal of the 103 rejection of these claims.

Claims 11-13 have been rejected as being unpatentable over Jellum et al. in view of Chanos et al (US2002/0120507A1). Applicants submit that claims 11-13 are allowable as depending from allowable claim 1 for the reasons described above. Chanos does not cure the deficiencies of Jellum. As neither Jellum nor Chanos disclose or suggest all of the above discussed features of Applicants' claim 1, from which claims 11-13 depend, Applicants submit that claims 11-13 are allowable and request the withdrawal of the 103 rejection of these claims.
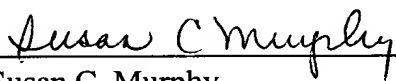
Claims 16-23 have been rejected as being unpatentable over Jellum et al. in view of Yu (US2002/013855A1). Applicants submit that claims 16-23 are allowable as depending from allowable claim 15 for the reasons described above. Yu does not cure the deficiencies of Jellum. As neither Jellum nor Yu disclose or suggest all of the above discussed features of Applicants' claim 15, from which claims 16-23 depend, Applicants submit that claims 16-23 are allowable and request the withdrawal of the 103 rejection of these claims.

In view of the above amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested.

Date: January 12, 2004

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